



Military Munitions Rule An Overview

**Industrial Operations Command
Military Munitions Rule Implementation Workshop
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Introduction

n FFCA Section 107 (42 USC 3004(y)) requires EPA to:

- Define when military munitions become a HW subject to RCRA
- Provide for safe storage and transportation
- Consult with DOD and States

n DOD/EPA proposed development of these tailored regs to ensure RCRA “fit” military munitions activities



Introduction

DOD has continually emphasized:

- Military munitions activities involve military functions critical to National security
- Uniform management system is critical to safe, effective, and efficient use
- RCRA regulations should “add value” beyond that achieved under current practices



Status

n Proposed on 8 Nov 95, 60 Fed. Reg. 56468

n Signed 3 Feb 97

n Published Final 12 Feb 97, 62 Fed. Reg. 6621

n Effective 12 Aug 97



Organization

- n Creates a new 40 CFR Part 266, Subpart M, for waste military munitions
- n Some cross references to existing RCRA (e.g., emergencies, Subpart EE)

State Authority

- n MMR adopts current RCRA approach
 - *States can adopt more stringent standards*
- n Characterizes parts of MMR as “neither more nor less stringent”
 - *Formal State adoption not necessary to implement*
- n Characterizes other parts as “more stringent”
 - *Requires States to submit modification to their authorized RCRA program*
- n Characterizes other parts as “less stringent”
 - *States are under no obligation to adopt*



Definition of “Military Munitions”

n “Military munitions”:

- Include all ammunition products and components produced for or used by DOD for national defense and security, including those under the control of DOD, USCG, DOE, and National Guard personnel, and the non-nuclear components of nuclear devices, managed under DOE’s nuclear weapons program after all required sanitization operations under the AEA have been completed
- Does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components



When Munitions Are Not Waste

n Military munitions are not solid waste when:

- Used in training; or
- Used in RDT&E; or
- Recovered, collected, and destroyed on-range during range clearance operations at active and inactive ranges; or
- An unused munition (including subcomponents) is repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities



When Munitions Are Waste

n Unused munitions are waste when:

- Abandoned by being disposed of, burned, detonated, or incinerated, or treated prior to disposal; or
- Removed from storage for the purpose of being disposed of, burned, or incinerated, or treated prior to disposal; or
- Deteriorated or damaged to the point that it cannot be put into serviceable condition, and cannot reasonably be recycled or used for other purposes; or
- Declared a waste by an authorized military official



When Munitions Are Waste

n Used or fired munitions are waste when:

- When transported off-range for treatment or disposal; or
- If recovered, collected, and disposed of by burial, landfilling, or land treatment either on or off a range; or
- If the munition is fired off-range and not promptly rendered safe and/or retrieved



Munitions on Closed or Transferred Ranges

- n MMPR stated munitions on closed or transferred firing ranges are solid wastes subject to RCRA remedial authorities
- n MMPR also provided that if DOD developed, pursuant to DOD's statutory authorities, regulations addressing response actions at closed and transferred ranges, then the DOD regulations would supersede RCRA
- n EPA is postponing a final decision pending the outcome of DOD's Range Rule effort



Storage Standards

Subpart EE standards:

- Available for use by all facilities managing waste munitions, not just military facilities
- Tailored unit standard based partly on DDESB standards, partly on RCRA standards
- Requires RCRA permit or interim status for > 90 day storage
- Military will use Subpart EE for waste chemical munitions and munitions that do not qualify for Conditional Exemption



Storage Standards

Conditional Exemption:

- Applicable to non-chemical waste military munitions;
- Under jurisdiction of DDESB;
- Stored IAW DDESB standards;
- Identify storage unit;
- Provide oral and written notice of loss, theft, or violations of DDESB standards that endanger human health or environment;
- Inventory annually; inspect quarterly; maintain records for 3 years; and
- Limit access to trained/authorized personnel



Storage Standards

Conditional Exemption (cont):

- Loss of CE is automatic
- Reinstatement possible after correction of violation and upon application to regulatory
- Reinstatement deemed granted if no action after 60 days; retroactive to date of application
- DDESB will publish in Fed. Reg. notice of changes to standards applicable to waste munitions



Generator and Transporter Standards

- n Generator standards unchanged except for exemption from manifesting requirements
- n MMR conditionally exempts military-military shipments of non-chemical waste military munitions from RCRA transporter requirements (e.g., manifesting)
 - Provides for notification of regulators, use of specific DOD forms, self-reporting of violations, loss/reinstatement of exemption, and enforcement



Emergency Responses

- n Applicable to all response personnel, not just military (e.g., police bomb squads)
- n Assumes the object of an emergency response is a hazardous waste
- n Immediate responses are exempted from RCRA generator, transporter, and permitting requirements
- n If immediate response is clearly not necessary and the response can be deferred, a RCRA emergency permit may be required
- n LDR, corrective action, and permitting of EOD ranges do not apply



Off-site Waste Restrictions

- n If a facility's RCRA permit does not explicitly allow acceptance of waste from off-site sources, it must be modified to allow acceptance of such waste
- n MMR allows interim acceptance of waste from off-site sources pending formal permit modification
 - Submit Class I modification request by effective date
 - Submit Class II modification request within 6 months of effective date
 - Submit modification to permit application



Redefinition of "On-site"

- n RCRA manifest is not required for transport of hazardous waste on public or private rights-of-way within or along the border of contiguous property under the control of the same person
- n Helpful to installations and bases that are “open” and have public highways within their boundaries



Summary

- n The MMR clearly establishes when and how RCRA applies to waste military munitions
- n MMR is clearly more advantageous to DOD than current RCRA rules
- n Consistent implementation will be critical to success
- n DOD must work with states to encourage adoption of the EPA approach and DOD implementation guidance